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EXAMINER

EL CHANTI, HUSSEIN A

ART UNIT	PAPER NUMBER
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2157

DATE MAILED: 08/04/2003

6

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/606,257

Applicant(s)

CHESLEY, HARRY R.

Examiner

Hussein A El-chanti

Art Unit

2157

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 29 June 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 June 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

This action is responsive to the application filed on June 29, 2000. Claims 1-24 are pending. Claims 1-24 represent a method and apparatus for of communicating information between a plurality of client computers.

#### ***Drawings***

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference characters "115", "116", "117" and "118" have been used to designate client computers in fig. 3; reference characters "215 and "216" have both been used to designate project team members in fig. 3; and reference characters "217" and 219 have both been used to designate messages in fig. 3. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

#### ***Specification***

2. The disclosure is objected to because of the following informalities: Line 18 of page 1 has a grammatical error. The line includes the phrase "One features".

Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1, 9, 12 and 18 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "the fact" in 8<sup>th</sup> line of the claim; claim 9 recites the limitation "the fact" in 10<sup>th</sup> line of the claim; claim 12 recites the limitation "the fact" in 6<sup>th</sup> line of the claim; and claim 18 recites the limitation "the fact" in 6<sup>th</sup> line of the claim. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claims 1-3, 8-14, 17, 18, 21 and 23 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Steele et al, U.S. Patent 6,065,051 (referred to hereafter as Steele).

Steele teaches the invention as claimed including a method, apparatus and computer readable medium for communicating information between a plurality of client computers.

As per claim 1, Steele teaches a method of communicating between a plurality of client computers comprising the steps of:

Providing data on a data source and communicating the data from the data source to one or more of a plurality of client computers in response to a request for data by said one or more client computers (see col. 2 lines 16-25);

Updating the data on the data source by sending data from one of the plurality of client computers to said data source (see col. 2 lines 25-30); and

Communicating the fact that the data available on the data source has been updated by communicating a client to client message from the client computer that updated the data to other client computers thereby prompting said other client computers to access the updated data from the data source (see col. 2 lines 31-39).

As per claim 9, Steele teaches computer apparatus for communicating information between a plurality of client computers by means of a communications network comprising:

A data server computer coupled to the network for communicating data from the data server computer to one or more of a plurality of client computers in response to a request for data by a client computer in the form of a hypertext transfer protocol update request (see col. 3 lines 35-44); said data server computer including means for updating the data made available from the data server computer in response

to a data update request from one of the plurality of client computers to said data server computer (see col. 2 lines 25-30); and

A communications server computer coupled to the communications network for communicating the fact that the data available on the data source has been updated by communicating a client to client message from the client computer that updated the data to other client computers thereby prompting said other client computers to request updated data from the data server computer (see col. 2 lines 31-39).

As per claims 12 and 18, Steele teaches a computer readable medium and method of communicating information performing the steps of:

Providing data on a data source and communicating the data from the data source to one or more of a plurality of client computers in response to a request for data by said one or more client computers (see col. 2 lines 16-25).

Updating the data on the data source and communicating the fact that the data available on the data source has been updated by communicating an update message to one or more client computers thereby prompting said one or more client computers to access the updated data from the data source or computer server (see col. 2 lines 25-30).

As per claims 2 and 13, Steele also teaches the method of claim 1 and the computer readable medium of claim 12 wherein the data source and the plurality of client computers communicate information by means of a hypertext transfer protocol (see col. 3 lines 35-44) wherein a client computer periodically polls the data source and

further wherein said client computers poll the data source in response to a client to client message concerning an updating of data on the data source from another client (see col. 2 lines 40-42).

As per claim 3, Steele teaches the method of claim 1 additionally comprising the step of providing a communications interrupt server which communicates client to client messages between multiple client computers (see col. 2 lines 36-42).

As per claim 8, Steele further teaches the method of claim 1 wherein the data source comprises a server computer (see fig. 1).

As per claim 10, Steele teaches the computer apparatus of claim 9 additionally comprising a data store for storing data made available to the client computers by the data server (see col. 1 lines 7-11).

As per claim 11, Steele teaches the computer apparatus of claim 10 wherein the data store includes a database management component (see abstract lines 1-10).

As per claim 14, Steele teaches the computer readable medium of claim 12 additionally comprising the step of providing a communications interrupt which communicates update message between multiple client computers (see col. 2 lines 36-39).

As per claim 17, Steele further teaches the method of claim 12 wherein the data source comprises a server computer (see fig. 1).

As per claim 21, Steele teaches the method of claim 18 wherein the server computer stores a message hierarchy in a goal directed messaging system for tabulating messages from multiple clients and wherein the update message indicates

the message hierarchy has been updated (see fig. 4 and fig. 8 and respective illustrations).

As per claim 23, Steele teaches the method of claim 18 wherein the server computer stores a database for storing information made available from multiple clients and wherein the update message indicates the database has been updated (see col. 1 lines 7-11 and abstract lines 1-15).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 4-7, 15, 16, 19, 20, 22 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Steele et al in view of Kohda et al, U.S. Patent 6,249,806 (referred to hereafter as Kohda).

Steele teaches the invention substantially as claimed including a method, apparatus and computer readable medium for communicating information between a plurality of client computers.

As per claim 4, Steele teaches a method of communicating between a plurality of client computers comprising providing data on a data source and communicating the data from the data source to one or more of a plurality of client computers in response to a request for data by said one or more client computers; updating the data on the data source by sending data from one of the plurality of client computers to said data

source and communicating the fact that the data available on the data source has been updated by communicating a client to client message from the client computer that updated the data to other client computers thereby prompting said other client computers to access the updated data from the data source (see the rejection of claim 1).

Steele does not explicitly teach the claimed limitation of the method of claim 1 wherein the client to client message is formatted in accordance with an internet relay chat protocol.

However Kohda teaches a communications system that allows client to access stored information on a server (see abstract) wherein the client to client message is formatted in accordance with an internet relay chat protocol (see col. 8 lines 25-42).

It would have been obvious for one of the ordinary skill in the art at the time of the invention to modify Steele's information communication system between a plurality of client computers by using Kohda's internet relay chat protocol to transfer data from the server to clients. One would be motivated to include the IRC protocol in Steele's information communication system because the internet relay chat protocol allows tens of thousands of users to share and transfer files in real time.

As per claim 5, Kohda further teaches the method of claim 4 where the data source maintains a database of information and wherein different portions of the database are assigned a unique internet relay chat channel (see col. 10 lines 32-44).

As per claim 6, Steele also teaches the method of claim 4 wherein the data source maintains a goal based message hierarchy having message nodes (see fig. 4

and fig. 8 and respective illustrations). Kohda teaches updates to one or more nodes in a group of such nodes are assigned to an internet relay chat channel (see col. 6 lines 41-64 and claim 22).

As per claims 7 and 16, Kohda teaches the method of claim 4 and the computer readable medium of claim 15 additionally comprising the step of providing a communications interrupt server which communicates messages between multiple client computers by means of said internet relay chat protocol (see col. 8 lines 25-42).

As per claims 15 and 19, Steele teaches a computer readable medium and method of communicating information that provides data on a data source and communicating the data from the data source to one or more of a plurality of client computers in response to a request for data by said one or more client computers and updates the data on the data source and communicating the fact that the data available on the data source has been updated by communicating an update message to one or more client computers thereby prompting said one or more client computers to access the updated data from the data source or computer server (rejections of claims 12 and 18).

Steele does not explicitly teach the claimed limitation of the method of claim 1 wherein the client to client message is formatted in accordance with an internet relay chat protocol.

However Kohda teaches a communications system that allows client to access stored information on a server (see abstract) wherein the client to client message is formatted in accordance with an internet relay chat protocol (see col. 8 lines 25-42).

It would have been obvious for one of the ordinary skill in the art at the time of the invention to modify Steele's information communication system between a plurality of client computers by using Kohda's internet relay chat protocol to transfer data from the server to clients. One would be motivated to include the IRC protocol in Steele's information communication system because the internet relay chat protocol allows tens of thousands of users to communicate with each other by sending instant messages and it allows users to share and transfer files in real time.

As per claim 20, Kohda teaches update message of the method of claim 19 to be targeted at certain clients (see col. 2 lines 31-42).

As per claim 22, Kohda teaches the method of claim 21 wherein the message hierarchy is divided into nodes which form groups of one or more nodes (see fig. 9 and its corresponding illustration) wherein the update message is in the form of an internet relay protocol and wherein node groups are assigned different internet relay chat channels (see col. 10 lines 32-44).

As per claim 24, Kohda teaches the database of claim 23 divided into data and said data portions are assigned channels in an internet relay chat protocol that implements update message (see col. 10 lines 32-44).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hussein El-chanti whose telephone number is (703) 305-4652. The examiner can normally be reached on Monday through Thursday from 8:00 am. – 5:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (703)308-7562. The fax phone numbers for the organization where this application or proceeding is assigned are (703)746-9679 for regular communications and (703)746-9679 for After Final communications.

Any inquiry of a general nature relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Hussein El-chanti Fax #	(703) 746-9679
After Final Rejection Fax #	(703) 746-7238
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Hussein El-chanti

Date: 07/23/2003



**SALEH NAJJAR**  
**PRIMARY EXAMINER**